PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NOS. 2021-143 and 2021-144-E ORDER NO. 2021-137-H

OCTOBER 21, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Application of Duke Energy Progress, LLC for Approval of Smart \$aver Solar as Energy Efficiency Program

Application of Duke Energy Carolinas, LLC for Approval of Smart \$aver Solar as Energy Efficiency Program

MATTER UNDER CONSIDERATION:

Requests for Live Appearances of Attorneys and Witnesses

CHIEF HEARING OFFICER'S ACTION:

These matters come before the Chief Hearing Officer for consideration of requests for live appearances of certain witnesses and attorneys in the hearing for these Dockets, which begins on October 28, 2021. Order No. 2021-611 (A) had indicated that the hearings in these matters would be virtual.

However, the Office of Regulatory Staff ("ORS") now requests that ORS counsel and ORS witnesses O'Neil Morgan and Robert Lawyer be permitted to appear in person at the hearing on October 28, 2021. Further, ORS requests permission to present witnesses Morgan and Lawyer as a live panel before the Commission. ORS witness Horii would still appear virtually as a separate witness. In addition, ORS requests permission to present its direct and surrebuttal testimonies together. ORS asserts that such a presentation would facilitate a more efficient hearing, taking into consideration the extensive testimony and complicated issues that are being presented for the Commission's consideration. ORS notes that the panel of Lawyer and Morgan would be presented first, and then witness Horii.

In response to the ORS Request, Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (together "the Duke Companies") state that they do not object to ORS's request to appear in-person for the hearing, however, the Duke Companies also assert that if the ORS request is granted, they would also like to present their witnesses in person. The Duke Companies propose that, in the Direct Phase, that a panel consisting of witnesses Lynda Shafer Powers and Timothy Duff be used for the presentation of Direct Testimony. Further, in the Rebuttal Phase, Timothy Duff would present his Rebuttal Testimony, followed by a panel of Leigh Ford and Lon Huber. The Duke Companies still propose to put up their rebuttal witnesses after the presentation of Direct Testimony by other parties,

as they believe that their responsive testimony should be heard after the testimony to which they are responding.

At this time, the Intervenors in the cases state that the two intervenor attorneys and their witness Eddy Moore would prefer to appear virtually rather than in person. The Intervenors had previously asserted that they wished to present Mr. Moore's Direct and Surrebuttal Testimonies separately.

The Chief Hearing Examiner hereby grants all requests as described above, as made by ORS, the Duke Companies, and the Intervenors. However, several conditions apply. First, members of all panels of witnesses must have name plates to put up on the table when they testify, so that the Court Reporter can identify quickly which member of the panel is speaking during panel testimony. The members of the panel must refrain as much as possible from speaking over each other, their lawyer, opposing counsel, or Commissioners, as multiple speakers' words may not be accurately reflected in any Transcript. For those attorneys and witnesses appearing virtually, all information on the Survey Monkey form must be furnished. The deadline for furnishing this information is 12 Noon on Friday, October 22, 2021.

If attorneys are presenting experts, these experts should be qualified on the stand during the hearing, as you would in Court. Further, the Commission Hearing Room will be set up in such a way so as to promote social distancing as much as possible. This means that not every attorney will necessarily have their own table as has been the case in the past. Some attorneys may be sitting in theater seating. When examining witnesses, it is likely that there will be only one podium to work from. When speaking before the Commission, you must speak into a microphone. This is so you may be heard not only by the occupants of the hearing room, but also by those individuals who may be attending the hearing virtually. This goes for objections, too.

In summary, the Requests of the Parties as described above are granted. But all parties must observe the noted conditions.

This completes the Chief Hearing Officer's Directive.